

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 11-72 were originally presented for consideration in this application after preliminary amendment. Claims 14, 39, 61, 63 and 64 have been canceled. Accordingly, claims 11-13, 15-38, 40-60, 62 and 65-72 are currently pending in this application.

The examiner's indications that claims 11-13 and 15-37 are allowed, and that claims 48, 49, 53, 55, 56, 58-60, 64, 66, 67 and 69-71 contain allowable subject matter, are noted with appreciation. Of these, claims 66, 67 and 69 have been rewritten in independent form above. In addition, the limitations of allowable claim 64 have been incorporated into independent claim 62. It may now be seen that claims 62, 66, 67 and 69, and their dependents, are in allowable form.

The following objections and rejections were set forth in the Office Action:

1. Claims 52 and 62 are objected to for lack of clarity;
2. Claims 52, 54, 57, 62, 63, 65, 68 and 72 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. Re 36,525 to Pringle; and
3. Claims 38, 40-44, 45-47, 50 and 51 stand rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 4,505,332 to Mills et al. in view of U.S. Published Application No. 2003-0221837 of Giroux or U.S. Patent No. 7,090,027 to Williams.

Regarding the objections to claims 52 and 62, please note that the claims are to be interpreted in light of the specification. It is unfortunate that some skilled in the art use the term “packer” to refer to a seal element, and others skilled in the art use the term “packer” to refer to an assembly which includes one or more seal elements and other components, such as an actuator, etc. The present specification makes it clear that the term “packer” is used in the latter sense. The claims 52 and 62 also make it clear that the “packer” recited in the preamble is used in its assembly sense, since components in addition to a seal element are recited in the body of each claim.

As evidence of the use of the term “packer” in its assembly sense by those skilled in the art, the references cited by the examiner use the term in that sense. For example, please see U.S. Patent No. Re 36,525 to Pringle and U.S. Patent No. 4,505,332 to Mills, in which the term “packer” is used in its assembly sense. Therefore, it may be seen that those skilled in the art are quite familiar with the use of the term “packer” in its assembly sense, the present specification clearly uses this term in that sense, and there is no lack of clarity in claims 52 and 62.

Regarding the anticipation rejections based on the Pringle reference, please note that each of independent claims 52 and 62 have been amended above. Claim 62 has been amended to incorporate therein the limitations of allowable dependent claim 64. Claim 52 has been amended to make it clear that the pistons recited in the claim are circumferentially spaced apart along a circumference. The pistons 162, 164 of Pringle are clearly not spaced apart along a circumference (see FIGS. 1K-1O). Therefore, Pringle does not anticipate claim 52, and withdrawal of the rejections of this claim and its dependents is respectfully requested.

Regarding the obviousness rejections based on the Mills and Giroux or Williams references, these rejections are respectfully traversed. In making these rejections, the examiner refers to the plug P of Mills (see FIGS. 3B, 14 & 16) as a “blowout” plug. However, the plug P is actually described by Mills (see col. 13, line 62 to col. 14, line 28)

as having alternate positions to thereby provide for alternate methods of setting the packer. The plug P is not described as a "blowout" plug, the plug P is not blown out, and the plug P is not otherwise ruptured or broken to actuate the packer of Mills.

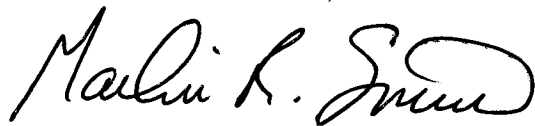
The addition of the Giroux or Williams references does not cure these deficiencies in the Mills reference. The packer of Mills is not designed to actuate in response to rupturing of the plug P, and so substitution of a rupture disc or "blowout" plug in place of the plug P would cause the packer to malfunction, or at least be unsuitable for its intended purpose. Therefore, a *prima facie* case of obviousness has not been made out, and withdrawal of the obviousness rejections is respectfully requested.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 11-13, 15-38, 40-60, 62 and 65-72 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

KONNEKER & SMITH, P.C.

A handwritten signature in black ink, appearing to read "Marlin R. Smith". The signature is fluid and cursive, with the first name "Marlin" being more prominent than the last name "Smith".

Marlin R. Smith
Attorney for Applicants
Registration No. 38,310

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660 North Central Expressway
Suite 230
Plano, Texas 75074
(972) 516-0030